

Senate Bills 1158 and 1159

Testimonies of support from Toni Ayers, Linda McNelis, and Connie Johnston

Hi, my name is Toni Ayers. I am here with my sister, Linda McNelis and our close family member, Connie Johnston. We appreciate this opportunity to testify at this hearing today and it is an honor and privilege to stand before you.

We are here in support of Senate Bills 1158 and 1159. Thank you, Senator Bieda for taking an interest in our family and introducing them.

These Bills are important to us because my brother's life is dependent on them. My brother is John Sellors; he is a low level, non-violent drug offender sentenced to **DOUBLE LIFE WITHOUT PAROLE**. He has been incarcerated for almost 17 years. John is sentenced under **enhancement 7413**, which mandates life without parole for a second offence of over 50 grams of a controlled substance. His second offence was for 51 grams of cocaine.

These senate Bills address this enhancement and if passed will give John and a handful of others that are sentenced under **enhancement 7413** an opportunity for parole. It is important to recognize that it will not release anyone from prison, but will put the jurisdiction in the hands of the parole board. This is the best opportunity we've ever had!

In 2003, the organization FAMM (families against mandatory minimums) made great strides in the drug reform laws. We participated in many of their meetings. Public act 353 lowered sentencing guidelines and gave parole eligibility to all 50 – 225 grams cases sentenced before the revised penalties. Shortly after these bills were passed we found out my brother's situation, **enhancement 7413** was overlooked. Unfortunately, he slipped through the cracks. FAMM attributed this to a mere oversight. We no longer have a big organization to help correct this, therefore we are dependent on these bills in front of you.

Proposed Senate Bill 1158 eliminates life without parole for lower level (50-225 gram) offences. This is indicated by the crossed out triple iii's. A highlighted copy of this is enclosed in your folders.

Proposed Senate Bill 1159 adds a new section. Section 17. This section clarifies, life without parole sentences under enhancement 7413 for a second offence of 50-225 grams will be eligible for parole after serving 5 years for each offence. This is in accordance with the language in Public Act 353, section 15. A highlighted copy of this is in your folders as well.

These are the facts that we wanted to share with you about these Bills. At this time, my sister Linda will briefly add a few words.

I too appreciate this opportunity to speak on behalf of these bills. While I do not want to repeat what has already been said, it is important to recognize that since all mandatory minimum sentences were eliminated except for Enhancement 7413, it has left a few non-violent inmates, lost in the system, to die in prison. We have the upmost gratitude and respect for Senator Bieda for taking the initiative to amend this oversight. Also after this experience, we have gained a whole new respect for all legislators, and the impact they have on the lives of others. The main issue with mandatory sentences is that it takes away the judge's discretion to consider all the factors and sentence fairly. I was at my brother's sentencing and the judge said he had "no choice" in the sentence. This was very shocking and devastating. The judge later wrote a letter stating that he would have no objections to an early release for John, if it were recommended. That letter is in your folder. It should be noted that in John's case, he has an excellent prison record. Our family has gained a lot of support over the years from legislators, clergy, CAPPS - Citizen's Alliance on Prisons and Public Spending, family, friends and the community. Most everyone agrees that this is the right thing to do. Last week, there was an article in the Detroit Free Press that addresses similar issues which Connie will speak about.

Thank you

Linda McNelis

Thank you Linda, yes, my name is Connie and I am the mother of John's son. I'd also like to thank the committee for allowing me the opportunity to say a few words.

Senate Bills 1158 and 1159 directly relate to an article that was written in the Detroit Free Press last Friday, December 2, which you can find a copy of in your folder. Allow me to paraphrase a few key points of the article which go on to say, "Here in the Great Lakes State, one of every five general fund dollars goes towards corrections, representing our second largest budget line item. Prison inmates in Michigan serve longer average sentences than any other state in the country. The article goes on to say that we are putting too many low level, non-violent offenders behind bars for far too long. Law reforms in other states have proven to save hundreds of millions of taxpayer dollars that could be put to better use such as in education, training, and infrastructure improvements which are all very important for a healthy Michigan. Governor Snyder recently energized a large group of business leaders when he was asked about the prospects for justice reform. Governor Snyder received a standing ovation when he stated that "tough on crime" rhetoric only has many prisoners serving more time when they can be functioning in society and possibly serving our business sector. Forum attendees then voted "smart justice reform" to be one of the group's top 5 priorities."

Passing these amendments would be a win-win. It shows compromise and willingness to work with the Governor and the community. The money the State of Michigan would save would begin soon after. Although only 4 known low level, non-violent offenders would be affected by these bills, all of them have over 17 years served which has already cost Michigan taxpayers more than 2.24 million dollars. The cost of incarcerating these individuals for the remainder of their lives would run well into several million more dollars. These four inmates represent the harshest of prison sentences for non-violent crimes in the entire state of Michigan, possibly in the nation. We understand these men needed to be punished for their crimes but we hope and pray you would agree that enough time, punishment and money has been spent to keep them behind bars.

On a personal note, our family has been on a long, tedious, and passionate journey to seek justice for John. We have diligently tried every other avenue to correct this problem before having to plead to you. If the decision of this committee is to report with favorable recommendation, we would appreciate any advice you can give us going forward to be successful in getting these bills passed. Again, thank you from all of us for allowing us the opportunity to meet and speak with you and for your consideration in passing these bills.

Proposed Amendments; Senate Bills 1158 and 1159

This proposal is to give parole eligibility to the 4 known non-violent offenders sentenced to **Life Without Parole** for convictions of 50-225 grams of cocaine.

It is important to recognize that the amendments would not release any prisoners. The amendments would only give the Parole Board jurisdiction to consider parole to these 4 non-violent offenders.

These Amendments are to clarify the Drug Reform Laws in 2003, where Public Act 353 ensured all prisoners sentenced before 2003 were given parole eligibility according to the amount they were convicted of.

Senate Bill 1158 eliminates Life Without Parole sentences for 50-225 gram offenses. This is indicated by the crossed out (iii) on pages 1 and 2.

Senate Bill 1159 adds a new section, (17), which clarifies that Life Without Parole sentences for 2nd offenses of 50 to 225 grams are eligible in 5 years for each offense. (In accordance to the original language of section (15))

It is noteworthy to acknowledge that prosecutors usually charge offenders of one drug transaction to charges of Conspiracy and Delivery. According to the added section, (17), two 5 years terms would need to be served in succession before parole eligibility.

It is also important to recognize that all 4 of the non-violent prisoners with Life sentences have a minimum of 17 years served.



The Circuit Court
for the Sixth Judicial Circuit of Michigan
1200 N TELEGRAPH RD DEPT 404
PONTIAC MI 48341-0404

SIXTH JUDICIAL CIRCUIT
OF MICHIGAN

JOHN J. McDONALD
CIRCUIT JUDGE

May 17, 2010

Linda McNelis
15678 Craig Drive
Fraser, MI 48036

Re: People of the State of Michigan v John Sellors
Case No. 00-174817-FC

Dear Ms. McNelis:

I am in receipt of your correspondence regarding the application for reprieve, commutation, or pardon of John Sellors, upon whose behalf you are gathering support.

In cases such as this, I typically receive correspondence from the Governor's office asking my opinion before an inmate is released. I have not yet received anything from Lansing pertaining to Mr. Sellors. I have, however, reviewed Mr. Sellor's file, and I do not have any objections to an early release if that does become the recommendation.

The Canons of Judicial Ethics prohibit me from engaging in ex parte communications with litigants, their attorneys, or others acting on their behalf. Therefore, I believe it would be inappropriate for me to meet with you. However, I will carefully consider the information, if Governor Granholm chooses to contact me in regard to Mr. Sellors. Thank you.

Sincerely,

The Honorable John J. McDonald
Circuit Court Judge

By Dick DeVos

President Gerald Ford, who had represented Michigan for nearly 25 years in the House of Representatives, once famously remarked, "A government big enough to give you everything you want is a government big enough to take from you everything you have."



Dick DeVos

Nowhere is this statement more applicable than in our criminal justice system. Here in the Great Lakes State, one in every five general fund dollars goes toward corrections,

representing our second-largest budget line item. Prison inmates in Michigan serve longer average sentences than any other state in the country. This "too big to fail" government program was meant to keep us safe and act as a deterrent to potential criminals everywhere. Sadly, this approach did not provide the public safety return.

We are putting too many low-level, nonviolent offenders behind bars for too long, depriving them of any chance for success. And when they return to society, as more than 95% of them will, we are often returning better criminals, not better citizens.

On a positive note, state leaders on the right and the left are beginning to recognize the deficiencies in the old tough-on-crime policies and instead supporting smart-on-crime initiatives. A parole reform bill passed the state House of Representatives by an overwhelming bipartisan vote last year, but died in the Senate. In 2016, this legislation returned and again passed the House, while a multi-bill reform package passed the Senate unanimously. Unfortunately, the House and Senate appear to be in a standoff over which chamber should move first to send the other chamber's legislation to the governor's office.

Recognizing we are running out of time, an unlikely chorus of voices is rising up to demand that the Legislature put aside petty political issues and move these reforms to final passage: the Michigan business community.

You may wonder why business leaders would care about what some view as a purely "social justice" issue. First, similar reforms in other states have proven to save hundreds of millions in taxpayer dollars. That's money that could be better put to use in education, training, and

infrastructure improvement, issues all very important to a healthy Michigan.

Furthermore, many businesses in Michigan are facing a real dearth in skilled labor, and returning citizens could certainly fill that void if they are properly rehabilitated and given the tools to successfully re-enter society. One recent study showed that employment was the single most important influence on reducing recidivism, and ex-offenders who are able to obtain gainful employment are twice as likely to stay crime-free, which means all our communities are safer.

Anyone doubtful of business' support for justice reform would have become a believer at the recent West Michigan Policy Forum in Grand Rapids. In his address to a room packed with hundreds of Michigan business leaders, Gov. Rick Snyder energized the audience when he was asked about the prospects for justice reform, stating that supporting tough-on-crime rhetoric that would see many prisoners serve more time is "the dumbest thing you can do." Snyder challenged the businesses in the room to consider hiring returning citizens, drawing a standing ovation from the group. Later, General Counsel and Senior Vice President of Koch Industries Mark Holden delivered remarks to the forum, offering that prisoners "have a lot of untapped genius, a lot of untapped skills, and we want the best people, period, with or without a criminal record." Forum attendees then voted smart justice reform as one of the group's top five policy priorities.

Michigan lawmakers who are still reluctant to support smart justice reform would be wise to listen to these business voices. Ultimately, legislators have two choices: they can pass these reforms now and continue Michigan's efforts in the reform movement, or succumb to the type of legislative dysfunction that we expect out of Washington, D.C.

So let us be ever mindful of the admonition of former President Ford, and right-size our bloated and ineffective justice system to address what Michigan really needs: a broad and skilled workforce, and safer communities. Michigan lawmakers should listen to their state's business leaders, break this stalemate, and move smart justice reforms to the governor's desk as soon as possible.

Dick DeVos is president of the Windquest Group.

Why businesses should care about over-incarceration